IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.883 OF 2006

Yeshwant @ Baburao Ganpat Patil .. Petitioner

Versus

Sakhubai W/o. of Dadu Patil

and Ors. .. Respondents

Mr.P.L.Naik for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th February 2006.

P.C.

. Heard Mr.Naik for petitioner. No reason to interfere with the order of the trial court refusing to stay hearing of suit filed in the

year 1990. Petition dismissed.

2. Second apprehension of Mr.Naik is that the suit cannot proceed because original record is in this court in a pending second appeal. In my view, neither the trial court nor this court is going to be prejudiced if an appropriate request is made by trial court to send the records to enable itself to dispose of the civil suit. Upon such request being made it is open to this court to pass appropriate after hearing both sides and the present order does not prevent such a course. Thus it is a matter between two courts. The petitioner need not have any apprehension of it not being resolved to satisfaction of both sides.

(S.C.DHARMADHIKARI, J)